

MCDERMOTT



100140-US-00  
SE0171

Attorney's Docket No. \_\_\_\_\_

## Combined Declaration and Power of Attorney

As a below named inventor, I hereby declare that:

This declaration is of the following type:

original     supplemental

national stage of PCT

divisional     continuation     continuation-in-part

My residence, post office address and citizenship are as stated next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### OPTICAL COMMUNICATION SYSTEM AND METHOD OF ASSIGNING SIGNAL CHANNELS

the specification of which

is attached hereto.

was filed on December 1, 2000  
as United States Application Serial Number 09/726380 and,  
was amended on \_\_\_\_\_ (if applicable).

was filed on \_\_\_\_\_  
as PCT International Application Number \_\_\_\_\_ and,  
was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

#### PRIOR FOREIGN APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC §119(a)

Application Number	Country	Date of Filing (Day/Month/Year)	Priority Claimed Under 35 USC 119
<u>P1999-344768</u>	<u>Japan</u>	<u>03 / December / 1999</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PRIOR U.S. PROVISIONAL APPLICATIONS, BENEFIT CLAIMED UNDER 35 USC §119(e)

(Application No.)	(Filing Date)	(Application No.)	(Filing Date)
(Application No.)	(Filing Date)	(Application No.)	(Filing Date)

I hereby claim the benefit of Title 35, United States Code Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS  
DESIGNATING THE U.S., BENEFIT CLAIMED UNDER 35 USC §120

(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)
(Application No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the registered practitioners of McDermott, Will & Emery included in the Customer Number provided below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

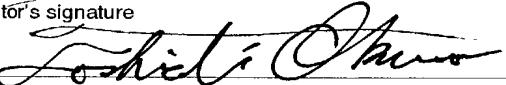
Customer Number 20277

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of sole or first inventor <b>Toshiaki OKUNO</b>	
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SCANNED 4/4